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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

D.W. Doc Wiener,

Debtor.

Case No. BK-S-12-20337-BTB

Chapter 7

**TRUSTEE'S NOTICE OF INTENT TO
ABANDON ESTATE INTEREST IN
JUDGMENT AGAINST KLIPPER
CHEMTROL CORPORATION**

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to LR 9014.1, the court will consider this motion, objection, or other matter without further notice of hearing unless a party in interest files an objection within 21 days from the date of service of this paper. If you object to the relief requested in this paper, you may file your objection at the bankruptcy clerk's office located in Las Vegas at the United States Bankruptcy Court, 300 Las Vegas Blvd. South, Las Vegas, Nevada, 89101, or in Reno at the United States Bankruptcy Court, 300 Booth Street, Reno, NV 89509, and serve a copy on the movant's attorney and any other appropriate persons.

It is the duty of the objecting party to timely set the objection for a hearing and properly notice all parties in interest. If you do not file an objection within the time permitted, an order granting the requested relief may be entered by the court without further notice or hearing.

PLEASE TAKE NOTICE that pursuant to Fed. R. Bankr. P. 6007(a) and 11 U.S.C. §554(a), Shelley D. Krohn, Chapter 7 Trustee ("Trustee"), intends to and will abandon the following described non-exempt asset(s) as burdensome and of inconsequential value to the estate unless a creditor or other interested party files and serves a written objection pursuant LR 9014.1, within 21 days from the date of service of this paper, on the Trustee's attorney (Schwartzter & McPherson Law Firm) and any other appropriate person.

1 The Trustee intends to abandon the estate's interest in the following asset (the "Asset"):

- 2 1. **The "Judgment" entered on August 17, 2015 in the case titled *Wiener v.***
3 ***Klipper Chemtrol Corp.*, Case No. A628583 in the District Court, Clark**
4 **County, Nevada in favor of D.W. "Doc" Wiener and against Klipper**
5 **Chemtrol Corporation in the amount of \$363,085.62, plus interest at**
6 **the rate of 5.25% per annum thereon from the date of August 17, 2015**
7 **until satisfied. See attached Judgment.**

8 Pursuant to Local Rule 9014.1(a)(4), notices of abandonment pursuant to Fed. R. Bankr. P.
9 6007(a) may be considered by the Court without an actual hearing under the negative notice
10 procedure described in Local Rule 9014.1, if no party requests a hearing.

11 An attorneys' lien against the Asset has been asserted by Mario P. Lovato, Esq. and Lovato
12 Law Firm, P.C. and the Trustee has not been able to determine that the defendant, Klipper
13 Chemtrol Corporation has any assets, or assets of a sufficient value, to make execution on the
14 Asset worthwhile and beneficial to the estate. As a result, this Asset constitutes a burden to the
15 estate and is of inconsequential value and benefit to the estate.

16 Based upon the foregoing, the Trustee hereby gives notice of her intent to abandon the
17 Asset and requests an Order of this Court that the above-described Asset be deemed abandoned by
18 the Trustee. **As set forth above, objections to this proposed abandonment that are not timely
19 filed and served may be deemed waived and/or invalid.**

20 Dated this 2nd day of August, 2018.

21 /s/ Jeanette E. McPherson

22 Jeanette E. McPherson, Esq.
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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

<p>D.W. "DOC" WIENER, an individual,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>KLIPPER CHEMTROL CORPORATION,</p> <p style="text-align: center;">Defendant.</p> <hr/> <p>AND COUNTERCLAIMS.</p> <hr/>	<p>) CASE NO. A629583</p> <p>) DEPT NO. 11</p> <p>) (Formerly consolidated with A624497)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>
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JUDGMENT

This matter having come on regularly for trial on May 18-20, 2015 and having been concluded and submitted to the Court, and the Court having entered Findings of Fact and Conclusions of Law on May 22, 2015; Plaintiff / Counterdefendant D.W. "Doc" Wiener ("Wiener" or "Plaintiff") having filing a Memorandum of Costs and Disbursements on June 4, 2015 and a Motion for Attorney Fees and Costs on June 11, 2015, and the Court having conducted a chambers hearing on July 17, 2015 for such Motion For Attorney Fees And Costs, and for good cause,

The COURT HEREBY FINDS that:

1. Upon review of the papers and pleadings on file in this matter, D.W. "Doc" Wiener provided proper service of the Motion For Attorney Fees And Costs and the Memorandum of Costs and Disbursements upon Defendant / Counterclaimant Klipper Chemtrol Corporation.

1 2. No opposition or other response has been filed by Klipper Chemtrol Corporation
2 to the Motion for Attorney Fees and Costs or to the Memorandum of Costs and Disbursements;
3 accordingly, pursuant to EDCR 2.20(b), the Motion for Fees and Costs is deemed unopposed.

4 3. There is a prevailing party provision in the parties' agreement, and Wiener was,
5 and is, the prevailing party in this matter as a result of the trial and the Court's Findings of Fact
6 and Conclusions of Law entered on May 22, 2015.

7 4. Under *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969),
8 when courts determine the appropriate fee to award in civil cases, they must consider various
9 factors: (1) the qualities of the advocate: his ability, his training, education, experience,
10 professional standing and skill; (2) the character of the work to be done: its difficulty, its
11 intricacy, its importance, time and skill required, the responsibility imposed and the prominence
12 and character of the parties where they affect the importance of the litigation; (3) the work
13 actually performed by the lawyer: the skill, time and attention given to the work; (4) the result:
14 whether the attorney was successful and what benefits were derived.

15 5. The *Brunzell* factors support the award of attorney fees. Mr. Lovato is a business
16 litigator who has appeared before the Court on numerous occasions, has worked at reputable law
17 firms in Las Vegas, Nevada, has charged a reasonable billing rate in this matter; the character of
18 the work involved the filing of motions and related pleadings, appearance at hearings,
19 appearance at trial, the drafting and service of written discovery and related work, which is
20 commensurate with the requested billable rate; the work performed by Applicant, was
21 reasonable; and the result obtained was that Applicant prevailed in the motions filed with the
22 Court.

23 6. The following attorney fees and costs of Plaintiff Wiener should be, and are,
24 approved as being reasonable, and being necessarily and actually incurred in the litigation of this
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1 matter from its inception up to May 31, 2015: (a) attorney fees in the amount of \$166,520.00;
 2 and (b) costs in the amount of \$11,565.62.

3 7. Judgment should be entered in favor of Plaintiff D.W. "Doc" Wiener and against
 4 Klipper Chemtrol Corporation, as further stated below, based upon the Findings and Fact and
 5 Conclusions of Law entered on May 22, 2015 and for the amounts granted herein for the Motion
 6 for Attorney Fees and Costs.

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that JUDGMENT is hereby
 9 entered in favor of Plaintiff D.W. "Doc" Wiener and against Defendant Klipper Chemtrol
 10 Corporation in the sum and amount of One Hundred Eighty-Five Thousand Dollars and zero
 11 cents (\$185,000.00), plus attorney fees and costs in the amount of One Hundred Seventy-Eight
 12 Thousand Eighty-Five Dollars and sixty-two cents (\$178,085.62) for a TOTAL JUDGMENT in
 13 the amount of **Three Hundred Sixty-Three Thousand Eight-Five Dollars and sixty-two cents**
 14 **(\$363,085.62)**, plus interest at the rate of 5.25% per annum thereon from the date of entry herein
 15 until satisfied.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff D.W. "Doc"
 18 Wiener shall be entitled to, and hereby is permitted to, collect any and all amounts awarded
 19 herein by any legal means.

20 DATED: August 5th, 2015.

21 
 22 DISTRICT COURT JUDGE

23 Submitted by:

24 LOVATO LAW FIRM, P.C.

25 
 26 MARIO P. LOVATO

27 Nevada Bar No. 7427

28 Attorney for Plaintiff / Counterdefendant
 D.W. "Doc" Wiener